

Previous references.

File No. 3072-10

1916-17

Serial Nos. 142

( SDA )

Later references.

S.A. 605/9 No. 1-10, B. 7/1920.

( S 11 35.1 - 1 )

## GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B for September 1917

### SUBJECT.

Delegation of Powers to certain officers to  
retain non-gazetted subordinates in service  
up to the age of sixty and classification  
of *chutkis* as inferior servants.

To  
The Joint Secretary  
" Other Secretaries to Govt  
" Comptroller  
" Other Heads of Dep't & Dy Comrs  
" Special officer, K. L. Datta Secy  
No. 1144-16 dated 5-9-17-

Comptroller Heads of Dep't, Dy Comrs of Dist  
(and) other officers of the rank of Dy Comr  
to sanction extension of service up to 60 years  
in the case of their non-gazetted subordinates.  
M. Pandey *Secy*  
3-2-1918.

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING.

From

| No.       | Dated   |               | Received   |
|-----------|---------|---------------|------------|
| Diary No. | Enclos. | Spare Copies. | Serial No. |

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

1732

G. R. Mis. 11

G.R.S. III-3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

... the ... of ...  
... the ... of ...  
... the ... of ...  
... the ... of ...  
... the ... of ...

1. A copy of Mr. Datta's note on the marginally noted subject is sent to the Assistant Secretary, Branch II, for working up the case ~~and~~ in accordance with the instructions laid down in the O.M. No.G.14531-7/O.M.461-16-3, dated the 1st May 1917.

Deer  
4/5

ACB has been sent to F.W. Sg for information. The F.W. Sg may be requested to settle favour for with his views as early as possible.

Vide clause (1) of 1st member )  
2nd member )  
18/5/17.

2977  
7.5.17

169  
8.5.17

yes  
6/5  
seen 8/5

Vide typed note below as per formal instructions. 18/5/17  
23

N.B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

X. Re. 11510716.

G.R.S. III-3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

3259  
23.5.17

337  
28.5.17

First &  
second  
members

rept affd

25/8

lip

29.5

A. S. II was kind of show his report to Mr. Datta  
return them to me today, if possible

seen.

K. L. D

29/7.

Exh andy  
members

appd.

29/8  
30.5.17.

6921  
3.6.17

After this generally, away the case  
will be placed before the next week of  
the Council, if necessary. Datta is not  
Datta

N.B.—Should routine notes be written on small slips,  
the notes must be copied, or slips pasted on  
this form.

Subject.-Clause viii of the Schedule.

Draft order on Mr. Datta's note on the delegation of powers to certain Heads of Departments in the matter of retirement of non-Gazetted officers.

MINUTE OF THE COUNCIL.

~~The draft order may be approved.~~

11/6

200

This may be referred to the Fin. Secy  
for remarks when Sub. to Fin. Secy  
member.

Done  
11/6/77

well  
11/6

Sd/-

11/6/77

11/6/77

(4)

G. R. [III-2]

General and Revenue  
Secretariat.

File No.

of 191 .

Serial  
No.

1. The points dealt with in Mr. Datta's note are  
I. Change of designations of Mutchis and Book  
binders and treatment of their services as inferior.

II. Desirability of delegation of powers both  
in regard to retention in service and compulsory re-  
tirement after attainment of 55 years of age.

III. Suggested amendment of rules.

2. As regard I, I beg to state as follows:

(a) Mutchis and bookbinders not only do rough  
binding work but in many cases superior binding work  
also. Separate "Mutchis" and "Bookbinders" may --  
lead to increase of establishment. Mutchis and --  
bookbinders are not always recruited from peons. Men  
with binding qualifications are specially appointed.  
Very few offices require wholetime "Bookbinders" and  
"Bookbinders" will not be fully utilised unless they  
work as Mutchis also. I am not in favour of any  
change ~~in this matter~~ in this matter.

(b) The only hardships to the men in treat-  
ing service as superior are:

1. After the man attains 55, if he is supe-  
rior, the Head of the department can  
recommend and Government sanction his  
retirement.
- ii. After the man attains 60, if he is supe-  
rior Government sanction is necessary  
to his further retention.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue  
Secretariat.

File No.

of 191 .

Serial  
No.

Against this the advantages are:

(a) Higher rates of travelling allowance, double <sup>fare</sup> railway, 4 as Mileage etc. (b) Privilege leave on full pay even if extra cost is involved (c) Higher rates of gratuity or pension in many cases (d) Izzut

Men generally prefer to become superior servants in such cases and that shews which way the advantages lies.

3. As regards II, I may state that non-gazetted officers enjoy a valuable privilege under the existing rules viz., that they cannot be ~~relieved~~ <sup>retired</sup> on attaining 55 without Government sanction. This is exactly in conformity with the spirit of the superannuation rules, viz., retention of officers ~~up~~ after 55 should be easy but their compulsory retirement more difficult. There is no question of trusting or distrusting heads of departments. Government must retain some power in their own hands and that does not mean distrust of heads of departments. The Government sanction is not a mere formality in such cases because the head of the department has to state his reasons why he wants to retire the man and convince Government.

4. As regards III I may state that there will be no necessity to modify the existing rules in ~~the~~ the Mysore Service Regulations for the reasons stated in para 3 above. There is, however, no objec-

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue  
Secretariat.

File No. of 191 .

Serial  
No.

objection to modifying the list given in Art.324 (b)  
M.S.R., by adding new appointments since created and  
deleting obsolete ones.

2<sup>nd</sup> The appointment of District Judges is not a  
new one and though the regulations contemplate the  
delegation of powers to them, it appears to have been  
deliberately left out in the list given, and I  
think the opinion of the Chief Court will be neces-  
sary for the inclusion of their names.

*15.6.17*

18<sup>th</sup> member)

*Res. No. 18/17*

*The number of Council members is  
twenty, 7 are Dewan officers*

*well*

*18/6*

*Dewan).*

*I approve  
23.6.17*

*18/6*

*fulfilling  
as per order 76*

*18/6*

*3517  
18.6.  
7/63  
19.6.17*

14

Subject.-Clause VIII of the Schedule.

★ Draft order on Mr. Datta's note  
on the delegation of powers to certain  
Heads of Departments in the matter of  
retirement of non-Gazetted officers.

MINISTER OF DEFENCE.

(For Disposal at a Meeting)

No. C. 45-2

26.6.1917

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause VIII of the Schedule)

Draft order on Mr. Datta's note on the delegation of powers to certain Heads of Departments in the matter of retirement of non-Gazetted officers.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

*D. N. Rao*

Secretary to Government.

25th June 1917.

Extraordinary Member of Council.

*[Signature]*  
30.6.17. 47

First Member of Council.

Seen

Second Member of Council.

*[Signature]*  
27.6.17. 46

32  
26.6.17

Extract from the Proceedings of the.....425th.....Meeting of the Council  
of His Highness the Maharaja, held at.....Bangalore.....  
on the.....30th July.....19 17.

19. Subject.-Clause viii of the Schedule.

2. •  
Suggestions of Mr. Datta in regard to the delegation of powers to certain Heads of Departments in the matter of retirement of non-gazetted officers.

OPINION OF THE COUNCIL.

2. The power to sanction/<sup>extension</sup> of service to non-gazetted officers up to the age of 60 may be delegated to all Heads of Departments, Deputy Commissioners and other officers of the rank of Deputy Commissioners (Article 324 (b) Mysore Service Regulations).

Article 324 (c), Mysore Service Regulations may remain as it stands. No general delegation under this provision is needed for the present.

Mutchis and Bookbinders may in future be designated Mutchis and classed as inferior servants.

Sd. M. Visvesvaraya,

DEWAN OF MYSORE.

"EXTRACT"

*Dr. M. V. Rao 21/7*  
Secretary to Government,  
General Department.

G. R. S. III-2]

General and Revenue  
Secretariat.

File No.

of 191 .

Serial  
No.

To the Assistant Secretary, Branch II,  
for kindly submitting the file to the First Member  
of Council with a draft Final Note.

*Drawn*  
*9/1/17*

*1st member). 18*  
*7.8.17*

*and*  
*we*

*8/8*

*Fair final note signed by 1st member*  
*is put up.*

*M*

*9/8/17*

*Came day). with. D.S.R. 18*

*9.8.17*

*Plaza)*

*Drawn by*  
*10/16*  
*10/16*

*522*  
*9.8.*

*801*  
*10.8.17*

**Final Note by the First Member of Council.**

**Subject:—** Delegation of Power to Heads of Departments to retain non-gazetted subordinates in service after they have attained 55 years of age or to compel them to retire on the ground of inefficiency.

---

In his note dated 28th April 1917 on the above subject, Mr. Datta, Special Officer, suggested:—

- (i) the desirability of delegation of powers to Heads of Departments and other officers of the grade of Deputy Commissioners and District Judge, both in regard to retention in service and compulsory retirement after attainment of 55 years of age of all officers whose appointments, the Head of the department or other officer concerned is empowered to fill up.
- (ii) He also observed that Mutchis who occasionally do rough book-binding work and who are not professional book-binders but are men promoted from peons, should not be treated as belonging to the superior service and that in future the designation of Mutchis and book-binders should be changed to Mutchis only and their service treated as inferior.

2. The Second Member and myself as Members of the Finance Committee agreed to the first proposal subject to the modification that every Head of the Department or other officer entrusted by Government with the power to grant extension of service may with suitable restrictions be also empowered to retire his non-gazetted subordinates whom he considers no longer efficient.

As regards the other suggestion viz., to treat the service of Mutchis and book-binders as inferior, we thought that no change was called for. In consultation with Mr. Datta a draft order embodying our views was submitted to Council.

2.

3. The Financial Secretary to whom the case was then referred for remarks, is not for reasons stated in his note dated 15th June 1917, in favour of a general delegation to Heads of Departments in the matter of retiring non-gazetted officers after attaining the age of superannuation. But he has no objection to suitably modify the rules contained in Art.324 (b) M.S.R. in the matter of empowering Heads of Departments to retain in service non-gazetted officers, up to 60 by adding new appointments since created and omitting obsolete ones. He is also not agreeable to the change of designation of Mutchi and book-binders to Mutchis and to treat their service as inferior.

4. The subject was discussed at a meeting of the Council held on the 30th July 1917 and their opinion thereon is recorded below.

"The power to sanction extension of service to non-gazetted officers up to the age of 60 may be delegated to all Heads of Departments, Deputy Commissioners and other officers of the rank of Deputy Commissioners ( Art.324 (b) M.S.R. )

" Article 324 (c) Mysore Service Regulations may remain as it stands. No general delegation under this provision (in the matter of empowering Heads of Departments to retire non-gazetted subordinates) is needed for the present".

" Mutchis and book-binders may in future be designated Mutchis and classed as inferior servants."

The above resolution of the Council may be graciously approved.

8<sup>th</sup> Aug  
1917

*W. H. M. S. S.*



Record of Cases submitted for the Orders  
of His Highness the Maharaja.

Subject.



Delegation of powers to certain -  
officers to retain non-gazetted subordinates  
in service up to the age of sixty and -  
classification of Mutchis as inferior -  
servants.

166.

Order.

KRM

14/8/17

Similar

17.8.17

do 20/8/17

I. R. S. III-2,

General and Revenue  
Secretariat.

1151  
File No. 392 of 1916.

Serial  
No.

Adapt Board + Acc. Rep. are sent.

4/8

78 Secy).  $\frac{18}{23/8/17}$

8th inst the Draft go to final Secy?

M.

Final Secy). For mem.

24/8

$\frac{18}{2/8}$

Draft 8.0. for approval -

$\frac{12}{1.9.17}$

1st member).

Draft approved by the first member  
1.9.17

Pos

1. Issue.

2. Run in M. S. R.

18

$\frac{3.9.17}{2}$

869  
3/9

2

To

The final Secy

" Other Secretaries to Govt.

" Comptroller

" Chief Secy of Def. W. & M.

" Special Officer, K. L. Datta

No file 1146-96 dated 5-9-17 Secy

Comptroller Secy of Def. W. & M.

Comptroller & other officers of the

K. L. Datta to sanction

extension of service of 6 months

18

G. R. S. III-2]

General and Revenue  
Secretariat.

File No.

of 191 .

Serial  
No.

*in the case of India*

NOTE—Contn. sheet.

DELEGATION OF POWER TO HEADS OF DEPARTMENTS TO RETAIN NON-GAZETTED SUBORDINATES IN SERVICE AFTER THEY HAVE ATTAINED 55 YEARS OF AGE OR TO COMPEL THEM TO RETIRE ON THE GROUND OF INEFFICIENCY.

INDEX.

|                                                                                                                                                     | PARA. | PAGE. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 1. Mutchis and book-binders should in future be called mutchis only and they should be considered to be in inferior service ... ..                  | 2     | 2     |
| 2. Treatment of their service as superior only causes hardship and not a concession ... ..                                                          | 5     | 2     |
| 3. Delegation of power ... ..                                                                                                                       | 7     | 3     |
| 4. Desirability of delegation of powers both in regard to retention in service and compulsory retirement after attainment of 55 years of age ... .. | 9     | 3     |
| 5. Suggested amendment of rules ... ..                                                                                                              | 10    | 4     |

**DELEGATION OF POWER TO HEADS OF DEPARTMENTS TO RETAIN NON-GAZETTED SUBORDINATES IN SERVICE AFTER THEY HAVE ATTAINED 55 YEARS OF AGE OR TO COMPEL THEM TO RETIRE ON THE GROUND OF INEFFICIENCY.**

1. The question of delegation to the Commissioner of Stamps, under Art. 324 of the Mysore Service Regulations, of the power of allowing any non-gazetted subordinate to remain in service provided he continues to be efficient for a definite period up to, but not beyond the age of 60 years, has been raised in connection with the retention in service of Nagojee Rao, mutchi and book-binder of the Stamp Manufactory.

2. The first question for consideration is whether the services of a mutchi and book-binder should be treated as superior or inferior, as only officers in superior service are required to retire under the superannuation rules, while inferior servants are allowed to stay on as long as they continue to be capable of discharging their duties irrespective of any age limit. Under Art. 270 of the Mysore Service Regulations, mutchis are inferior servants but under the next article, book-binders belong to the superior service provided their professional occupation is book-binding. The services of a mutchi and book-binder must hence be treated as inferior or superior according as his duties are primarily those of a mutchi or of a book-binder requiring professional book-binding skill. In classifying service as inferior or superior in such cases, the main underlying principle is whether the work to be done is merely mechanical or requires some general knowledge or professional skill. If a peon in an office is, in ordinary course, promoted to a mutchi's place and he has in that capacity to do some rough book-binding work, it is not the object of the Regulations to treat such service as superior. From part II of appendix 7-A to the Civil Service Regulations, it will be seen that the services of daftaries who have often to do book-binding work cannot be treated as superior as their professional occupation is not book-binding.

3. Further, under Art. 274, a superior designation does not entitle an officer to pension on the superior scale if his duties are really those of an inferior servant. Hence, mutchis who occasionally do rough book-binding work and who are not professional book-binders but are men promoted from peons, should not be treated as belonging to the superior service. The question of retention or retirement ought not, therefore, to arise at all in such a case.

4. The designation of the servants, should not therefore be misleading and I would therefore suggest that mutchis should not in future in any office, be called "mutchis and book-binders" but only "mutchis." They should not also be considered to be in superior service.

5. The superannuation rules applicable to superior servants if enforced in the case of inferior servants on low pay merely because their designation is ambiguous, lead to premature retirement and are a source of hardship and not a concession.

Treatment of their service as superior only causes hardship and is not a concession.

6. In the case of the man whose case has given rise to these discussions, he was promoted to be a "mutchi and book-binder" on the 12th April 1915 when he was 56 years and 3 months old and the only effect of his service being counted as superior with effect from that date will be to compel him to retire on the 22nd January 1919 at the latest, even if he is fortunate enough to get extensions of service till that date. So far as pension or gratuity is concerned, he will not get an anna more than what he would have got had his service been inferior throughout. Under Art. 272 of the Mysore Service Regulations, an officer whose service has been for some time inferior and for some time superior, may either count (a) the

whole as inferior towards pension or gratuity on the inferior scale or (b) the superior portion towards pension or gratuity on the superior scale and the inferior portion towards gratuity on the inferior scale, in both cases, the pension or gratuity being calculated on the pay which he drew immediately before the termination of his superior or inferior service as the case may be. An inferior servant becomes entitled to a pension only after he has put in 30 years' service and a superior pension can be earned only after 10 years' service so that unless a man has put in 40 years' service in the aggregate, he can never get a pension under both scales and even then, his aggregate pension cannot be more than what he would have got had his whole service been superior. This is a condition which is seldom, if ever, satisfied. In the great majority of cases, the pension of the officer has to be calculated as if the whole service had been on inferior scale. The officer therefore gets no advantage in getting a part of his service considered as superior. It only causes an unnecessary hardship by compulsory retirement at 60 years of age at the latest, whereas if he continues to be considered as in inferior service he can continue to be in service as long as he is able to carry on his duties. The reckoning of the service of a mutchi and book-binder as inferior would not therefore cause any real hardship to the man concerned.

7. The next question is the extent to which power may be delegated to Heads of Departments to grant an extension of service in the case of non-gazetted officers who have attained fifty-five years of age and who are still efficient or to retire such officers if they are inefficient. In British India, the power of permitting a non-gazetted subordinate to remain in service, provided he continues to be efficient, for a definite period up to the age of 60 years as well as the power of declaring such an officer to be inefficient and compelling him to retire either at the age of 55 years or thereafter have both been delegated to officers not under the rank of a Collector or District Judge. In Mysore however, under Art. 324 of the State Service Regulations, Heads of Departments and Deputy Commissioners of Districts are authorised only to sanction extensions of service to non-gazetted officers who have attained 55 years of age but no one except the Revenue Commissioner has been vested with the power of ordering the retirement of subordinate officers of his Department. The rule implies that the Head of a Department or a Deputy Commissioner may be trusted to exercise his discretion to pronounce a man fit and grant him extension of service accordingly, but his discretion in the matter of retiring an officer requires the approval of Government or of the Revenue Commissioner in the case of the Revenue Department.

8. I think the rules should be brought in conformity with those in force in British India and that every officer entrusted with the power to grant extension of service should also have the power to retire officers whom he considers no longer efficient. The present rule indicates a distrust in Heads of Departments which cannot in any way conduce to better administration. The sanction of Government in such cases cannot but be a mere formality as Government can have no means of judging of the efficiency of the officer concerned and must accept the opinion of the Head of the Department who, even if his opinion may be a biased one, will always be able to make out a case for retiring the officer concerned. If the rule in force in British India were adopted, it would result in a reduction of references to Government and would also conduce to greater efficiency and would raise the prestige of Heads of Departments.

9. I am therefore of opinion that every Head of a Department and officer of the rank of Deputy Commissioner and District Judge, should not only have power to retain an officer in service after he attains 55 years of age but should also have power to retire him if he is inefficient in his opinion. The power, if necessary, may be restricted to the retention or retirement of officers whose appointments the Head of the Department or other officer concerned is empowered to fill up.

10. The list of officers empowered to sanction the retention of officers, given in Article 324 (b) is not quite complete as several high appointments have been created since the list was prepared. The list may be revised as suggested below.

Suggested amendment of rules.

Desirability of delegation of powers both in regard to retention in service or compulsory retirement after attainment of 55 years of age.

I would suggest that Articles 320, 321 and 324 which are reproductions of corresponding articles of the earlier editions of the Civil Service Regulations may be recast and made simpler as under :—

*Existing Rule.*

320. A Superannuation pension is granted to an officer entitled or compelled, by rule to retire at a particular age.

321. (a) An Officer in Superior Service, who has attained the age of 55 years, may be required to retire unless the Government considers him efficient, and permits him to remain in the Service. But as the premature retirement of an efficient officer imposes a needless charge on the State, this rule should be worked with discretion. And in cases in which the rule is enforced, a statement of the reasons for enforcing it shall be placed on record.

(1) It is trusted that the Heads of Departments will always be disposed to extend to this rule a very liberal interpretation, and that the State may, in no case, be deprived of the valuable experience of really efficient officers by the untimely exercise of the powers of compulsory retirement, on pension.

(b) These orders apply to all officers in superior service without reference to their nationality. If an officer is efficient after attaining the age of fifty-five years, his retention in the service is not barred by the accident of his being of other than purely native birth.

(c) The following ruling should be kept carefully in view in applying the rules regarding compulsory retirement.

As some misapprehensions appear to exist on the subject of the rule regarding the compulsory retirement of officers after the age of 55 years, it is desirable to state that not only do *Article 321 and Article 492 of these Regulations read together*, not require the compulsory retirement of any efficient officer, of whatever age, but that though the *Articles* authorise the Heads of Departments, at their discretion to presume that an officer is inefficient at 55 years of age conditionally, and at 60 years of age absolutely, yet the whole tenor of the rules is that such presumption shall be exercised with careful consideration, both for the individual who would suffer by being deprived of his appointment while capable of discharging its duties, and for the finances of the country, which would suffer were officers, still efficient, prematurely thrown upon the pension list.

324. (a) The Government may delegate to Heads of Departments or to officers not under the rank of Deputy Commissioners or District Judges:

(1) The power of permitting any non-gazetted subordinate to remain in the service, provided he continues to be efficient, for a definite period up to, but not beyond, the age of 60 years.

(2) Subject to such conditions as Government may think fit, the power of declaring any non-gazetted subordinate to be efficient and compelling him to retire either at the age of 55 years, or on the expiry of any further period up to which his service has been extended, or before the expiry of such further period if he ceases to be efficient.

Each such subordinate's case must be taken up when he is 55 years old and on the expiry of each extension of service.

(b) The Government have delegated the powers specified in clause (1) of this Article to the following officers and Heads of Departments. The

*As modified.*

320. A Superannuation pension is granted to an officer in superior service entitled or compelled, by rule to retire at a particular age.

321. (a) An officer who has attained the age of 55 may be required to retire unless the Government consider him efficient and permit him to remain in the service.

(b) The Government have delegated the powers referred to in the foregoing article, to the following officers in the case of non-gazetted officers subordinate to them.

Chief Judge.  
Revenue Commissioner.  
Inspector-General of Police.  
Do Prisons.  
Do Education.  
Do Registration.  
Conservator of Forests.  
Comptroller to the Government.  
Chief Engineer.  
Deputy Commissioners of Districts.  
Superintendent, Mysore Revenue Survey.  
Superintendent, Inam Settlements.  
Do Government Press.  
Do Stationery Depot.  
Excise Commissioner.  
Superintendent, Amrut Mahal Department.  
Director of Mines and Geology.  
Senior Surgeon.  
Sanitary Commissioner.  
Director of Archaeological Researches.  
Chief Commandant, Mysore State Troops.  
District Judges.  
Engineer-in-Chief, Railways.  
Commissioner of Stamps.  
Registrar of Co-operative Societies.  
Director of Agriculture in Mysore.  
Director of Sericulture.  
Director of Industries and Commerce.

\*\* Not included in the old list.

(c) The rule should be worked with discretion in order to avoid depriving the State of the valuable experience of really efficient officers and adding unnecessarily to the non-effective charges. In the case of officers holding superior appointments, the standard of efficiency by which retention is to be decided is above the standard required in lower appointments. In every case, in which the rule is enforced, the reasons for enforcing it should be recorded. But no claim from an officer to compensation on account of the enforcement of the rule will be entertained.

(d) Each such officer's case should be taken up when he is 55 years old and before the expiry of each extension of service. In every case, the extension should be given for not more than one year at a time.

(e) An officer who has attained the age of 60 cannot be retained in the service of Government, save in very exceptional circumstances and with the sanction of Government.

(f) As some misapprehensions appear to exist on the subject of the rule regarding the compulsory retirement of officers after the age of 55 years, it is desirable to state that not only do *Art. 321 and Art. 492 of these Regulations read together*, not require the compulsory retire-

*Existing Rule.*

extension of time granted by them shall not exceed one year at a time and will be repeated only when the subordinate continues efficient.—

The Chief Judge.

Military Secretary.

Revenue Commissioner.

Inspector General of Police.

Do Prisons.

Do Registration.

Do Education.

Conservator of Forests.

Comptroller to the Government.

Chief Engineer.

Deputy Commissioners of Districts.

Superintendent, Mysore Revenue Survey.

Superintendent, Inam Settlements.

Do Government Press.

Do Government Stationery

Depot.

Excise Commissioner.

Officer in charge, Amrut Mahal Department.

State Geologist.

Senior Surgeon and Sanitary Commissioner.

Director of Archaeological Researches.

Chief Commandant, Mysore State Troops.

(c) The Government have delegated the powers specified in clause (a) (2) of this Article to the Revenue Commissioner, who may accordingly order the retirement of subordinate officials of the Revenue Establishments of Deputy Commissioners, Assistant Commissioners, Amildars, and Deputy Amildars, the pension payable being sanctioned by Government as hitherto.

*As modified.*

ment of any efficient officer, of whatever age, but that though the *Articles* authorise Heads of Departments at their discretion to presume that an officer is inefficient at 55 years of age conditionally, and at 60 years of age absolutely yet the whole tenor of the rules is that such presumption shall be exercised with careful consideration, both for the individual who would suffer by being deprived of his appointment while capable of discharging its duties, and for the finances of the country, which would suffer were officers, still efficient, prematurely thrown upon the pension list.

K. L. DATTA.

28-4-17.

N O T E

In this note the points dealt with are:-

I

1. Delegation of powers to Heads of Departments and Deputy Commissioners and Officers of Corresponding Rank in regard to retention of their non-gazetted subordinates in Service up-to-60 years.

2. Empowering the Heads of Departments, Deputy Commissioners and other Officers to compel them to retire after attainment of 55 years of age.

3. Change of the designation of the Mutchies and book binders into - Mutchies only and treatment of their services as inferior.

II. The proposals made by Mr. Dat in regard to 1 and 2 in para 7 to 10 of his note as a measure of decentralization of powers and of reduction of work in the Government Secretariats are in accordance with what obtains in British India. They are merely an extension of the principles already accepted in the Mysore Service Regulations - vide article 324 Mysore Service Regulations.

III. Recently the power of sanctioning pensions of non-gazetted officers and menials on the

the Heads of Departments and Deputy Commissioners of Districts has been delegated to the Comptroller.

- IV. As regards the first point, Government have under Article 324 (b) Mysore Service Regulations delegated powers to certain Heads of Departments and others, and Mr. Datta suggests that the following be added to the list entered therein:-

District Judges

Agent, Mysore State Railway.

Commissioner of Stamps.

Registrar of Co-operative Societies

Director of Agriculture in Mysore.

Director of Sericulture in Mysore.

Director of Industries and Commerce.

F  
The appointment of the Director of Sericulture is now vacant and it is temporary. For the present it may be omitted. The inclusion of the others may be approved.

- V. As regards the 2nd point, the power of superannuating non-gazetted subordinates has now been delegated in Mysore only to the Revenue Commissioner, in respect of all Revenue Establishments except those in his Office.

H  
(Circular file)  
16/9/93-16  
A proposal has been made by the Chief Commandant for the extension of this power in his case in regard to

the retirement of inefficient <sup>o</sup>followers in the Cavalry and Infantry regiments under Civil <sup>rules</sup> ~~Military~~ of pension and is likely to be sanctioned.

VI. The suggestion of Mr. Datta that every Head of Department and Officer of the rank of Deputy Commissioners should have power<sup>s</sup> to retire his non-gazetted subordinates is also suitable and may be approved with the restriction that as proposed in para 9 of his note the power should be limited to the cases of Officers whose appointments the head of the Department<sup>s</sup> or other officer concerned is empowered to fill up.

In para 9 of his note, Mr. Datta observes that the power of retaining in service and of retiring non-gazetted subordinates may, if necessary, be restricted to cases of Officers whose appointments the Head of the Department or other Officers concerned is competent to fill up.

Under the existing rules no such restriction is enforced in respect of the power of retaining non-gazetted Officers in service till they are - sixty. And it seems unnecessary to impose such restriction now.

VII. The power of compelling to retire

an

an official has to be newly delegated and in the single instance in which it has been delegated the Revenue Commissioner is not empowered to exercise the power in respect of his own establishment.

It is submitted that the restriction proposed by Mr. Datta may -- therefore be applied only in respect of the power of compelling to retire under the age rule.

VIII. With the above observations, the amendments to articles 320, 321 and 324 Mysore Service Regulation proposed by Mr. Datta in para 10 may be approved.

IX. As regards the change of designation of Mutchies and book binders &c., to Mutchies only and the treatment of the services of the former as inferior instead of superior, it is a point for consideration whether the reckoning of the services of the existing Mutchies and book binders as inferior would not cause any hardship to the men concerned.

All the Heads of Departments and other Officers of high rank will as now proposed be empowered to retain their non-gazetted subordinates till 60, and the mere advantage of an inferior servant being likely to be

~~kept~~  
kept

kept on after that age which a superior servant cannot ordinarily enjoy, does not, it is submitted, go far to compensate the loss of prestige an Officer would suffer by his service being treated as inferior and the likelihood of getting a reduced pension in some cases on the inferior scale under Article 340 instead of a superior pension under Article 336.

- X. In this connection it is pointed out that claims have been preferred by Mutchies under Article 274 (a) Mysore Service Regulations for their services being treated as superior, merely on the ground that they did book binding work and for their pension being regulated on the Superior Scale.

*Placed in Queue  
10. 9. 1946*

The memorial of Rangayya, Mutchi, Deputy Commissioner's Office and the instances quoted therein are cases in point.

- XI. Quite recently the Government have decided to treat the service of Duffurband in the General and Revenue Secretariat as superior instead of inferior by calling them as attenders.

- XII. This suggestion of Mr. Datta seems ~~may not be accepted for the present.~~  
therefore

~~therefore to require further consi-  
deration and may be reserved for -  
separate orders.~~

XIII. A draft Order on the above lines  
is put up.

*Recd*  
*23/11* *18/11/1944* *23.5.45*  
For Financial Secretary to Government

SVS.

## Extension of Service up to 60 years.

No. FL. 1144-96 - S. &amp; A. 392-16-2, DATED 5TH SEPTEMBER 1917.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE.

## GENERAL AND REVENUE DEPARTMENTS.

READ—

Note by Mr. K. L. Datta, M. A., Special Officer, dated 28th April 1917, suggesting delegation of powers to Heads of Departments and certain other Officers to retain their non-gazetted subordinates in service after attaining 55 years of age till 60 if efficient and also to retire them on the ground of inefficiency and recommending also the change of designation of 'Mutchis and Bookbinders' to 'Mutchis' and the treatment of their service as inferior on the ground that Mutchis who occasionally do bookbinding work and are not professional bookbinders but are promoted from the grade of peons should not be treated as belonging to superior service.

## Order No. FL. 1144-96—S. &amp; A. 392-16-2, dated 5th September 1917.

In his note read above, Mr. Datta points out that, under the provision contained in Article 324 (b) Mysore Service Regulations, only certain Heads of Departments and Officers of high rank are empowered to retain their non-gazetted subordinates in service up to 60 years and suggests that the list of officers given in that article should be revised by adding the several high appointments created since the list was prepared.

He considers that every Head of the Department and Officer of the rank of Deputy Commissioner and District Judge should not only have power to retain in service up to 60 years of age their non-gazetted subordinates after they attain 55 years of age but should also be empowered to retire them if found inefficient and he accordingly suggests that subject to suitable restrictions, the power to compel their non-gazetted subordinates to retire, after attainment of 55 years of age, may be delegated to all Heads of Departments and Deputy Commissioners and Officers of corresponding rank.

2. Government are pleased to empower all Heads of Departments, Deputy Commissioners and other Officers of the rank of Deputy Commissioners to sanction extension of service to their non-gazetted subordinates up to 60 years, the list given in Article 324 (b), Mysore Service Regulations, being revised accordingly.

3. As regards Mr. Datta's suggestion to delegate to all Heads of Departments and other Officers, the power of retiring their non-gazetted subordinates after attaining the age of superannuation also, Government are of opinion that the existing provision contained in 324 (c), Mysore Service Regulations, may remain as it stands and that no general delegation under this provision is needed for the present.

4. Government accept Mr. Datta's recommendation regarding the change of designation of mutchis and bookbinders and direct that mutchis and bookbinders may in future be designated as mutchis only and classed as inferior servants.

B. RAMASWAMIYA,

*Offg. Secy. to Govt., Rev. Dept. in Charge, Gen. Dept.*

To—The Financial Secretary to Government.

The other Secretaries to Government.

The Comptroller to Government.

The other Heads of Departments and Deputy Commissioners of Districts.

The Special Officer, K. L. Datta, Esq., M.A.

Exd. -C. R.

**Government of His Highness the Maharaja  
of Mysore.**

**GENERAL AND REVENUE DEPARTMENTS.**



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**G. O. No. Fl. 1144-96—S. & A. 392-16-2,  
dated 5th September 1917.**

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**Extension of Service up to 60 years.**

Empowers Heads of Departments, Deputy Commissioners of Districts and other officers of the rank of Deputy Commissioners to sanction —— in the case of their non-gazetted subordinates.



as inferior on the ground that  
Mutchis who occasionally do  
book binding work and are not  
professional bookbinders but are  
promoted from the grade of peons  
should not be treated as belonging  
to superior service.

order:- No. Del. 1144-96 Dated  
5-9-17.

In his note read above

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art 324 (b) Mysore Service Regulations  
~~as it stands~~ only certain  
Heads of Departments and officers  
of high rank are empowered  
to retain their non-gazetted  
Subordinates in service up to  
60 years and <sup>suggests</sup> that the list  
of officers given in <sup>that</sup> this article  
should be revised by adding  
the several high appointments  
created since the list was  
prepared.

List of enclosures.

Copied by

Examined by

GENERAL AND REVENUE  
SECRETARIAT.

(Continuation sheet draft form.)

He considers <sup>that every</sup> ~~that every~~ Head  
of the department and officers of  
Rank of Deputy Commr and District  
Judge should not only have power to  
retain in service <sup>up to 60 years of age</sup> their non-gazetted  
subordinates after they attain 55  
years of age, but <sup>should</sup> ~~should~~ also be  
then empowered to retire them if found  
inefficient and he accordingly  
suggests that subject to suitable  
restrictions all Heads of depart-  
ments, Deputy Comrs and other  
officers <sup>may</sup> be empowered to  
compel their non-gazetted subordi-  
nates to retire, after attainment of  
55 years of age <sup>may be delayed to</sup> ~~retire at the age of~~  
2. Government are pleased  
to <sup>empower</sup> ~~direct~~ that all Heads of  
departments, Deputy Commissions  
and other officers of the rank of  
Deputy Comrs be empowered to  
sanction extension of service  
to their non-gazetted subordinates.

^ all Hds of dept  
and deputy Comrs &  
officers of corresponding  
rank —

~~about~~  
up to 60 years, and the list given  
in art 324 (b) M. S. R. being revised  
accordingly.

As regards Mr. Datta's suggestion  
to delegate to all Heads of depart-  
ments and other officers, ~~also~~  
the power of retiring their non-  
gazetted subordinates after  
attaining the age of super-  
annuation, <sup>also</sup> Government are  
of opinion that the existing  
provision contained in 324 (c)  
M. S. R. may remain as it  
stands and that no general  
delegation under this provision  
is needed for the present.

Government accept  
Mr. Datta's <sup>recommendation</sup> proposal regarding  
the change of designation  
of Mutchis and bookbinders  
and direct that Mutchis  
and bookbinders may in  
future be designated as  
Mutchis only and classed as

GENERAL AND REVENUE  
SECRETARIAT.

(Continuation sheet draft form.)

WV  
11/4

18  
23/8

*inferior servants*

*General Secretary*  
1.9.17

To  
The 71 day  
The other Secretaries to find  
The Comptroller General  
The other Heads of Dept. & Dy. Comrs.  
The official of the, A.2. data by

Print  
18  
2/8